

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Stephen M. Friedberg, :
: Plaintiff, : Civil Action
: : No. 02-CV-3193
v. : : (Judge Yohn)
: Defendants. :

ORDER

AND NOW, on this _____ day of _____, 2005, upon consideration of Defendants' Motion to Compel Production of Documents, and any response thereto that has been filed by September 6, 2005, it is hereby ordered that the Motion is GRANTED. It is further ordered that on or before September 8, 2005 Plaintiff must produce the following documents:

- (A) All documents responsive to the following discovery requests served by Defendants:
3. All financial statements and your federal and state tax returns for the years 1991 through 2004, and all work papers that refer or relate to the computation of your income for those years, as reflected in the tax returns or financial statements.
 14. All documents constituting, memorializing, or accompanying your or your representatives' communications with Messrs. Phil Miller and/or Alan Bates regarding the monies you contend were dividendded to you by any defendant at any time, including but not limited to the dividends you refer to in your complaint.
 15. All documents constituting, memorializing, or accompanying your or your representatives' communications with Andy Lewis regarding this lawsuit and/or the monies in the accounts at issue.

(B) The documents corresponding to the following entries on Plaintiff's most recent privilege log:

Page 1 Entry Nos. 5 and 10
Page 2 Entry Nos. 1, 5, and 9-14
Page 3 Entry No. 9.

(C) All documents referenced in the letter dated March 23, 2001 from Gary Gentile to Patrick Rega which is bates-labeled "Friedberg 1169."

Yohn, J.

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**MUTUAL COMPANIES' MOTION
TO COMPEL PRODUCTION OF DOCUMENTS**

Defendants Mutual Holdings Ltd., n/k/a IPC Mutual Holdings Ltd., Mutual Holdings (Bermuda) Ltd., Mutual Indemnity Ltd., and Mutual Indemnity (Bermuda) Ltd. (collectively, the "Mutual companies"), by and through their undersigned counsel, hereby move pursuant to Rule 37 of the Federal Rules of Civil Procedure for an Order compelling Plaintiff Stephen M. Friedberg to provide the following documents on or before September 8, 2005:

- (A) All documents responsive to the following discovery requests:
3. All financial statements and your federal and state tax returns for the years 1991 through 2004, and all work papers that refer or relate to the computation of your income for those years, as reflected in the tax returns or financial statements.
 14. All documents constituting, memorializing, or accompanying your or your representatives' communications with Messrs. Phil Miller and/or Alan Bates regarding the monies you contend were dividendded to you by any defendant at any time, including but not limited to the dividends you refer to in your complaint.
 15. All documents constituting, memorializing, or accompanying your or your representatives' communications with Andy Lewis regarding this lawsuit and/or the monies in the accounts at issue.

(B) The documents corresponding to the following entries on Plaintiff's most recent privilege log:

Page 1 Entry Nos. 5 and 10
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(C) All documents referenced in the letter dated March 23, 2001 from Gary Gentile to Patrick Rega, which is bates-labeled "Friedberg 1169."

The grounds for this motion are set forth in the accompanying memorandum of law and exhibits.

The Mutual companies further request that Plaintiff be required to file any response to this motion by September 6, 2005.

DATED: August 30, 2005

Respectfully submitted,

s/Brooke J. Hertz
Douglas Y. Christian (ID No. 41934)
Joshua A. Mooney (ID No. 85945)
Brooke J. Hertz (ID No. 91999)
BALLARD SPAHR ANDREWS
& INGERSOLL, LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
(215) 665-8500

Attorneys for Defendants

RULE 37(B) CERTIFICATION

Pursuant to Rule 37(B) of the Federal Rules of Civil Procedure, I, Brooke J. Hertzler, hereby certify that Douglas Y. Christian and I, as counsel for Defendants in this matter, each in good faith conferred or attempted to confer with counsel for Plaintiff Stephen M. Friedberg telephonically on August 23, 2005 and in person on August 24, 2005, concerning the documents sought in the foregoing Motion to Compel Production of Documents in an effort to secure such documents without court action.

s/Brooke J. Hertzler

Brooke J. Hertzler

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of August 2005, a true and correct copy of the foregoing Mutual Companies' Motion to Compel Production of Documents, and accompanying Memorandum of Law with exhibits, was served by hand delivery on the following:

Han Nguyen, Esquire
SCHNADER HARRISON SEGAL
& LEWIS LLP
Suite 36,00, 1600 Market Street
Philadelphia, PA 19103

Attorneys for Plaintiff Stephen Friedberg

s/Brooke J. Hertz

Brooke J. Hertz